

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 07-11851

v.

Honorable Patrick J. Duggan

EWELL D. COMPTON,
Defendant,
and

DETROIT BOARD OF EDUCATION,
Garnishee.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on January 10, 2012.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On April 27, 2007, the United States of America filed this suit to recover student loan proceeds from Ewell Compton. Compton failed to defend the suit, and the Clerk of the Court entered a default and default judgment against him on July 9, 2007. The United States subsequently obtained writs of garnishment to receive Compton's state income tax refunds and a portion of his wages. Presently before the Court are Compton's motions to set aside the entry of default and vacate the default judgment. The Court referred these motions to Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b)(1)(B).

On November 15, 2011, Magistrate Judge Komives issued a Report and Recommendation ("R&R") in which he recommends that this Court deny Compton's motions. Magistrate Judge Komives concludes that Compton has failed to show good

cause justifying his failure to answer the Complaint, and thus, his own culpable conduct led to the entry of default and default judgment.

At the conclusion of the R&R, Magistrate Judge Komives advises the parties that they may object or seek review of the R&R within fourteen days of service upon them. R&R 8. He further advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal. *Id.* (citing *Thomas v. Arn*, 474 U.S. 140, 106 S. Ct. 466 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981)). No objections to the R&R have been filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

IT IS ORDERED that Defendant’s motion to set aside the default is **DENIED**;

IT IS FURTHER ORDERED that Defendant’s motion for an order vacating the judgment is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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Magistrate Judge Paul J. Komives